

**Executive Summary – Enforcement Matter – Case No. 47729**  
**Rentech Nitrogen Pasadena, LLC**  
**RN101621944**  
**Docket No. 2013-1836-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

AgriFos Fertilizer Pasadena, 2001 Jackson Road, Pasadena, Harris County

**Type of Operation:**

Fertilizer manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Case No.: 072483613 pending at the Attorney General Office. Reference Docket 2013-0391-OSI-E on February 12, 2014 Agenda, Item 17

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 9, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$33,188

**Amount Deferred for Expedited Settlement:** \$6,637

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$26,551

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

**Executive Summary – Enforcement Matter – Case No. 47729**  
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**RN101621944**  
**Docket No. 2013-1836-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** July 15, 2013

**Date(s) of NOE(s):** August 26, 2013

***Violation Information***

1. Failed to verify optical calibration using a manufacturer recommended optical filter for the 800 North and 800 South Scrubber Continuous Emissions Monitoring System (“CEMS”). Specifically, the Respondent failed to verify optical calibrations on the CEMS for Scrubbers Emission Point Numbers (“EPNs”) USNV001 and USNV002 for the fourth quarter of 2011 and for the first and second quarters of 2012 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Federal Operating Permit (“FOP”) No. O1252, Special Terms and Conditions (“STC”) No. 12, Air Permit No. 4209A, Special Conditions (“SC”) No. 21(B), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to comply with the sulfur dioxide (“SO<sub>2</sub>”) emissions rate for the Wet Scrubber Stack, EPN ASNV001. Specifically, the Respondent exceeded the emissions rate of 4 pounds of SO<sub>2</sub> per ton (“lbs/ton”) of 100 percent sulfuric acid produced on May 9, 2012, June 14, 2012, and October 29, 2012 by 4.59 lbs/ton, 23.12 lbs/ton, and 8.75 lbs/ton, respectively [30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), and 122.143(4), FOP No. O1252, STC No. 1.A., 40 CODE OF FEDERAL REGULATIONS § 60.82(a), Air Permit No. 56361, SC 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

a. On August 11, 2013, revised operating procedures to ensure that quarterly verification of optical calibrations are conducted; and

b. By September 10, 2013, revised procedures, conducted training, repaired the pump tank brick lining, and added strainers to the pump suction to minimize pluggage in order to comply with the required SO<sub>2</sub> emissions rate for the Wet Scrubber Stack, EPN ASNV001.

**Technical Requirements:**

N/A

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***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Jessica Schildwachter, Enforcement Division, Enforcement Team 5, MC 128, (512) 239-2617; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Andrew W. Velo, General Site Manager, Rentech Nitrogen Pasadena, LLC, 2001 Jackson Road, Pasadena, Texas 77506  
Roger Johnson, Environmental Manager, Rentech Nitrogen Pasadena, LLC, 2001 Jackson Road, Pasadena, Texas 77506  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	3-Sep-2013	<b>Screening</b>	5-Sep-2013	<b>EPA Due</b>	23-May-2014
	<b>PCW</b>	22-Jan-2013				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Rentech Nitrogen Pasadena, LLC		
<b>Reg. Ent. Ref. No.</b>	RN101621944		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	47729	<b>No. of Violations</b>	2
<b>Docket No.</b>	2013-1836-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Nadia Hameed
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$18,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$18,000**

Notes: Enhancement for five NOV's with dissimilar violations, two orders with denial of liability, one court order with denial of liability, and four federal orders with denial of liability. Reduction for three notices of intent to conduct an audit and one disclosure of violations.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$3,375**

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** **\$0**

Total EB Amounts \$1,374  
Approx. Cost of Compliance \$12,500  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$32,625**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **1.7%** **Adjustment** **\$563**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended to recover the avoided costs of compliance for Violation No. 1.

**Final Penalty Amount** **\$33,188**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$33,188**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$6,637**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$26,551**

Screening Date 5-Sep-2013

Docket No. 2013-1836-AIR-E

PCW

Respondent Rentech Nitrogen Pasadena, LLC

Policy Revision 3 (September 2011)

Case ID No. 47729

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101621944

Media [Statute] Air

Enf. Coordinator Nadia Hameed

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	1	-2%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 155%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for five NOVs with dissimilar violations, two orders with denial of liability, one court order with denial of liability, and four federal orders with denial of liability. Reduction for three notices of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 155%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%

Screening Date 5-Sep-2013

Docket No. 2013-1836-AIR-E

PCW

Respondent Rentech Nitrogen Pasadena, LLC

Policy Revision 3 (September 2011)

Case ID No. 47729

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101621944

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Federal Operating Permit ("FOP") No. 01252, Special Terms and Conditions ("STC") No. 12, Air Permit No. 4209A, Special Conditions ("SC") No. 21(B), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to verify optical calibration using a manufacturer recommended optical filter for the 800 North and 800 South Scrubber Continuous Emissions Monitoring System ("CEMS"). Specifically, the Respondent failed to verify optical calibrations on the CEMS for Scrubbers Emission Point Numbers ("EPN") USNV001 and USNV002 for the fourth quarter of 2011 and for the first and second quarters of 2012.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 7.0%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,250

\$1,750

## Violation Events

Number of Violation Events 6 270 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$10,500

Six single events are recommended.

## Good Faith Efforts to Comply

25.0% Reduction

\$2,625

	Before NOV		NOV to EDPRP/Settlement Offer
	Extraordinary	Ordinary	
		x	
N/A			(mark with x)

Notes

The Respondent completed the corrective actions on August 11, 2013, prior to the August 26, 2013, NOE.

Violation Subtotal \$7,875

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$604

Violation Final Penalty Total \$18,692

This violation Final Assessed Penalty (adjusted for limits) \$18,692

# Economic Benefit Worksheet

**Respondent** Rentech Nitrogen Pasadena, LLC  
**Case ID No.** 47729  
**Reg. Ent. Reference No.** RN101621944  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

**Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**  
**Item Description** No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	31-Dec-2011	11-Aug-2013	1.61	\$40	n/a	\$40

**Notes for DELAYED costs**

Estimated cost to revise operating procedures. The Date Required is the date of the initial non-compliance. The Final Date is the date that corrective actions were completed.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$500	31-Dec-2011	11-Aug-2013	2.53	\$63	\$500	\$563
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Estimated avoided cost for failure to verify optical calibrations on the CEMS. The Date Required is the date of the violation. The Final Date is the date that the corrective action was completed.

**Approx. Cost of Compliance**

\$1,000

**TOTAL**

\$604



Screening Date 5-Sep-2013

Docket No. 2013-1836-AIR-E

PCW

Respondent Rentech Nitrogen Pasadena, LLC

Policy Revision 3 (September 2011)

Case ID No. 47729

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101621944

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1), 116.115(c), and 122.143(4), FOP No. 01252, STC No. 1.A., Air Permit No. 56361, SC 14, 40 Code of Federal Regulations § 60.82(a), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the sulfur dioxide ("SO<sub>2</sub>") emissions rate for the Wet Scrubber Stack, EPN ASNV001. Specifically, the Respondent exceeded the emission rate of 4 pounds of SO<sub>2</sub> per ton ("lbs/ton") of 100 percent sulfuric acid produced on May 9, 2012, June 14, 2012, and October 29, 2012 by 4.59 lbs/ton, 23.12 lbs/ton, and 8.75 lbs/ton, respectively.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual			x
Potential			

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 2

3 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

Two quarterly events are recommended for the exceedances that occurred from May 9, 2012 to October 29, 2012.

## Good Faith Efforts to Comply

10.0% Reduction

\$750

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

The Respondent completed the corrective actions on September 10, 2013, after the August 26, 2013, NOE.

Violation Subtotal \$6,750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$770

Violation Final Penalty Total \$14,496

This violation Final Assessed Penalty (adjusted for limits) \$14,496

# Economic Benefit Worksheet

**Respondent** Rentech Nitrogen Pasadena, LLC  
**Case ID No.** 47729  
**Reg. Ent. Reference No.** RN101621944  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	9-May-2012	10-Sep-2013	1.34	\$33	n/a	\$33
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$11,000	9-May-2012	10-Sep-2013	1.34	\$737	n/a	\$737

Notes for DELAYED costs

Estimated cost to revise procedures, conduct training, repair pump tank brick lining, and add strainers to the pump suction to minimize pluggage. The Date Required is the date of the initial non-compliance. The Final Date is the date that corrective actions were completed.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$11,500

TOTAL

\$770

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN604162990, RN101621944, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

<b>Customer, Respondent, or Owner/Operator:</b>	CN604162990, Rentech Nitrogen Pasadena, LLC	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	2.50
<b>Regulated Entity:</b>	RN101621944, AGRIFOS FERTILIZER PASADENA	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	2.50
<b>Complexity Points:</b>	27	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	05 - Chemical Manufacturing				
<b>Location:</b>	2001 JACKSON RD PASADENA, TX 77506, HARRIS COUNTY				
<b>TCEQ Region:</b>	REGION 12 - HOUSTON				
<b>ID Number(s):</b>					
<b>AIR OPERATING PERMITS ACCOUNT NUMBER</b>	HG0534U	<b>AIR OPERATING PERMITS PERMIT</b>	1252		
<b>POLLUTION PREVENTION PLANNING ID NUMBER</b>	P00440	<b>PETROLEUM STORAGE TANK REGISTRATION</b>	REGISTRATION 50576		
<b>WASTEWATER PERMIT</b>	WQ0000649000	<b>WASTEWATER EPA ID</b>	TX0007285		
<b>AIR NEW SOURCE PERMITS PERMIT</b>	4209A	<b>AIR NEW SOURCE PERMITS REGISTRATION</b>	15865		
<b>AIR NEW SOURCE PERMITS ACCOUNT NUMBER</b>	HG0534U	<b>AIR NEW SOURCE PERMITS EPA PERMIT</b>	PSDTX949		
<b>AIR NEW SOURCE PERMITS REGISTRATION</b>	88266	<b>AIR NEW SOURCE PERMITS AFS NUM</b>	4820100029		
<b>AIR NEW SOURCE PERMITS PERMIT</b>	56361	<b>AIR NEW SOURCE PERMITS REGISTRATION</b>	93662		
<b>AIR NEW SOURCE PERMITS REGISTRATION</b>	94041	<b>AIR NEW SOURCE PERMITS REGISTRATION</b>	100756		
<b>AIR NEW SOURCE PERMITS REGISTRATION</b>	98455	<b>AIR NEW SOURCE PERMITS REGISTRATION</b>	103508		
<b>AIR NEW SOURCE PERMITS REGISTRATION</b>	110346	<b>AIR NEW SOURCE PERMITS REGISTRATION</b>	110349		
<b>AIR NEW SOURCE PERMITS REGISTRATION</b>	107795	<b>PUBLIC WATER SYSTEM/SUPPLY REGISTRATION</b>	1010936		
<b>INDUSTRIAL AND HAZARDOUS WASTE EPA ID</b>	TXD099387474	<b>INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR)</b>	30051		
<b>IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR)</b>	30051	<b>AIR EMISSIONS INVENTORY ACCOUNT NUMBER</b>	HG0534U		
<b>AIR EMISSIONS INVENTORY ACCOUNT NUMBER</b>	HG0534U	<b>AIR QUALITY NON PERMITTED ID NUMBER</b>	LGL101621944		
<b>Compliance History Period:</b>	September 01, 2008 to August 31, 2013	<b>Rating Year:</b>	2013	<b>Rating Date:</b>	09/01/2013
<b>Date Compliance History Report Prepared:</b>	January 22, 2014				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	January 22, 2009 to January 22, 2014				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Nadia Hameed		<b>Phone:</b>	(713) 767-3629	

### Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) If **YES** for #2, who is the current owner/operator? Rentech Nitrogen Pasadena, LLC
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? Agrifos Fertilizer L.L.C.
- 5) If **YES**, when did the change(s) in owner or operator occur? November 1, 2012

## **Components (Multimedia) for the Site Are Listed in Sections A - J**

### **A. Final Orders, court judgments, and consent decrees:**

- 1      **Effective Date: 12/25/2010      ADMINORDER   2010-1035-AIR-E   (1660 Order-Agreed Order With Denial-1)**  
Classification: Major  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
Classification: Major  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.622(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: S.C. 1(E) OP  
S.C. 11(A) OP  
S.C. 2 OP  
Description: Exceeded MAERT emission limit for HF on 11/20/2009, 1/15/2010 and 2/9/2010. Category Violation: A8(c)(1)(H)  
Classification: Major  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.622(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: S.C. 1(E) OP  
S.C. 11{A} OP  
S.C. 2 OP  
S.C. 2 PERMIT  
Description: Exceeded emission limit for total fluorides and HF on 11/20/2009. Category Violation: A8(c)(1)(H)
- 2      **Effective Date: 04/11/2012      COURTORDER   (Final Judgement-Agreed Order With Denial-2)**  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)(i)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Conditions No. 1 PERMIT  
Description: Defendant discharged ammonia gas into the air.
- 3      **Effective Date: 07/19/2013      ADMINORDER   2013-0012-AIR-E   (1660 Order-Agreed Order With Denial-3)**  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: NSR No. 56361, Special Condition #1 PERMIT  
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. (CATEGORY A6)

See addendum for information regarding federal actions.

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

### **D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	February 20, 2009	(750396)
Item 2	March 17, 2009	(750397)
Item 3	April 20, 2009	(768456)
Item 4	June 18, 2009	(804997)
Item 5	August 19, 2009	(804998)
Item 6	October 16, 2009	(805000)
Item 7	December 15, 2009	(805002)
Item 8	March 12, 2010	(860897)

Item 9	April 12, 2010	(831001)
Item 10	May 19, 2010	(845067)
Item 11	September 14, 2010	(873943)
Item 12	November 04, 2010	(881540)
Item 13	December 17, 2010	(896285)
Item 14	February 14, 2011	(909127)
Item 15	April 20, 2011	(924881)
Item 16	May 17, 2011	(924880)
Item 17	June 16, 2011	(945437)
Item 18	July 18, 2011	(952662)
Item 19	August 15, 2011	(959348)
Item 20	September 12, 2011	(965380)
Item 21	October 13, 2011	(971419)
Item 22	February 13, 2012	(998006)
Item 23	March 21, 2012	(1010098)
Item 24	May 11, 2012	(1016488)
Item 25	June 14, 2012	(1024211)
Item 26	July 13, 2012	(1031603)
Item 27	August 13, 2012	(1037980)
Item 28	September 18, 2012	(1046714)
Item 29	October 18, 2012	(1061007)
Item 30	November 15, 2012	(1061008)
Item 31	December 17, 2012	(1061009)
Item 32	January 14, 2013	(1079046)
Item 33	February 19, 2013	(1079045)
Item 34	March 13, 2013	(1089347)
Item 35	June 10, 2013	(1110340)
Item 36	August 13, 2013	(1124980)
Item 37	September 17, 2013	(1129579)
Item 38	October 10, 2013	(1135311)
Item 39	November 26, 2013	(1124790)

#### **E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

**Date: 03/31/2013 (1095740) CN604162990**  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

**Date: 04/30/2013 (1106665) CN604162990**  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

**Date: 06/30/2013 (1117225) CN604162990**  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

**Date: 07/01/2013 (1087458) CN604162990**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 E.L.&M.R., pg. 2, No. 1 PERMIT  
 Description: Failed to maintain compliance with the permitted effluent limits.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)  
 Description: Failed to properly complete the chain of custody.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 D.&S.P.C., pg. 4, No. 2(e) PERMIT

Description: Failed to properly calculate the daily average concentration of Enterococci.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.6  
30 TAC Chapter 319, SubChapter A 319.9(d)  
Description: Failed to assure the quality of all measurements through the use of blanks,  
standards, duplicates, and spikes.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)  
Description: Failed to properly document the storm water pH.

**Date: 10/31/2013 (1140709) CN604162990**  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

#### **F. Environmental audits:**

**Notice of Intent Date: 08/12/2009(766558)**

No DOV Associated

**Notice of Intent Date: 08/20/2010(857453)**

No DOV Associated

**Notice of Intent Date: 12/09/2011(994721)**

**Disclosure Date: 04/23/2012**

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT H 60.84(e)

Description: Failed to report excess emissions in deviation reports and semi-annual reports.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.263(g)  
30 TAC Chapter 106, SubChapter S 106.433(8)(B)  
30 TAC Chapter 106, SubChapter S 106.433(8)(C)  
30 TAC Chapter 106, SubChapter S 106.433(8)(D)  
30 TAC Chapter 106, SubChapter T 106.452(2)(C)  
30 TAC Chapter 115, SubChapter E 115.426(4)

Description: Failed maintain recordkeeping for: 30 TAC 106.433(8)(B), (C), and (D); 30 TAC 115.426(4); 30 TAC 106.452(2)(C); and 30 TAC 106.263(g).

Viol. Classification: Major

Citation: 30 TAC Chapter 122, SubChapter C 122.222(c)

Description: Failed to submit notifications and timely incorporate qualified changes to Title V Permit No. O-1252.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a)

Description: Failed to submit required notifications and semi-annual report for 40 CFR 60 Subpart PP.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.11(e)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)

Description: Failed to conduct visible emission opacity observations for 40 CFR Subpart PP.

#### **G. Type of environmental management systems (EMSs):**

N/A

#### **H. Voluntary on-site compliance assessment dates:**

N/A

#### **I. Participation in a voluntary pollution reduction program:**

N/A

#### **J. Early compliance:**

N/A

#### **Sites Outside of Texas:**

N/A

## ***Addendum to Compliance History Federal Enforcement Actions***

**Reg Entity Name:** AGRIFOS FERTILIZER

**Reg Entity Add:** 2001 JACKSON ROAD

**Reg Entity City:** PASADENA

**Reg Entity No:** RN101621944

**Customer Name:** Agrifos Fertilizer L.L.C

**Customer No:** CN603449265

**EPA Case No:** 06-2008-3303

**Order Issue Date (yyyymmdd):** 20090521

**Case Result:** Injunctive Relief

**Statute:** CAA

**Sect of Statute:** 110

**Classification:** Moderate

**Program:** New Source Performance

**Citation:**

**Violation Type:**

**Cite Sect:** Standards

**Cite Part:**

**Enforcement Action:** Administrative Penalty Order

**Reg Entity Name:** AGRIFOS FERTILIZER L P

**Reg Entity Add:** 2001 JACKSON ROAD

**Reg Entity City:** PASADENA

**Reg Entity No:** RN101621944

**Customer Name:** ExxonMobil Oil Corporation

**Customer No:** CN600127252

**EPA Case No:** 06-2010-0920

**Order Issue Date (yyyymmdd):** 20100927

**Case Result:** Final Order With Penalty

**Statute:** RCRA

**Sect of Statute:** 3002

**Classification:** Minor

**Program:** Gen Hazardous Waste

**Citation:**

**Violation Type:**

**Cite Sect:** Management

**Cite Part:**

**Enforcement Action:** Administrative Penalty Order

**Reg Entity Name:** AGRIFOS FERTILIZER LLC

**Reg Entity Add:** 2001 JACKSON ROAD

**Reg Entity City:** PASADENA

**Reg Entity No:** RN101621944

**Customer Name:** AGRIFOS FERTILIZER LLC

**Customer No:** CN603449265

**EPA Case No:** 06-2010-0506

**Order Issue Date (yyyymmdd):** 20100927

**Case Result:** Final Order With Penalty

**Statute:** CAA

**Sect of Statute:** 112R

**Classification:** Moderate

**Program:** NESHAPs

**Citation:**

**Violation Type:**

**Cite Sect:**

**Cite Part:**

**Enforcement Action:** Administrative Penalty Order

**Reg Entity Name:** AGRIFOS FERTILIZER LP

**Reg Entity Add:** 2001 JACKSON ROAD

**Reg Entity City:** PASADENA

**Reg Entity No:** RN101621944

**Customer Name:** Agrifos

**Customer No:** CN603449265

**EPA Case No:** 06-2011-0960

**Order Issue Date (yyyymmdd):** 20111207

**Case Result:**

**Statute:** RCRA

**Sect of Statute:** 3008A

**Classification:** Moderate

**Program:** National Emission Standards for **Citation:**

**Violation Type:**

**Cite Sect:** Hazardous Air Pollutants

**Cite Part:**

**Enforcement Action:** Administrative Penalty Order With or Without Injunctive Relief



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
RENTECH NITROGEN  
PASADENA, LLC  
RN101621944**

**§           BEFORE THE  
§  
§  
§           TEXAS COMMISSION ON  
§  
§           ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2013-1836-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Rentech Nitrogen Pasadena, LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a fertilizer manufacturing plant located at 2001 Jackson Road in Pasadena, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 31, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty-Three Thousand One Hundred Eighty-Eight Dollars (\$33,188) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Six

Thousand Five Hundred Fifty-One Dollars (\$26,551) of the administrative penalty and Six Thousand Six Hundred Thirty-Seven Dollars (\$6,637) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. On August 11, 2013, revised operating procedures to ensure that quarterly verification of optical calibrations are conducted; and
  - b. By September 10, 2013, revised procedures, conducted training, repaired the pump tank brick lining, and added strainers to the pump suction to minimize pluggage in order to comply with the required sulfur dioxide ("SO<sub>2</sub>") emissions rate for the Wet Scrubber Stack, Emission Point Number ("EPN") ASNV001.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to verify optical calibration using a manufacturer recommended optical filter for the 800 North and 800 South Scrubber Continuous Emissions Monitoring System ("CEMS"), in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Federal Operating Permit ("FOP") No. 01252, Special Terms and Conditions ("STC") No. 12, Air Permit No. 4209A, Special Conditions ("SC") No. 21(B), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 15, 2013. Specifically, the Respondent failed to verify optical calibrations on the CEMS for

Scrubbers EPNs USNV001 and USNV002 for the fourth quarter of 2011 and for the first and second quarters of 2012.

2. Failed to comply with the SO<sub>2</sub> emissions rate for the Wet Scrubber Stack, EPN ASNV001, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), and 122.143(4), FOP No. O1252, STC No. 1.A., 40 CODE OF FEDERAL REGULATIONS § 60.82(a), Air Permit No. 56361, SC 14, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 15, 2013. Specifically, the Respondent exceeded the emissions rate of 4 pounds of SO<sub>2</sub> per ton ("lbs/ton") of 100 percent sulfuric acid produced on May 9, 2012, June 14, 2012, and October 29, 2012 by 4.59 lbs/ton, 23.12 lbs/ton, and 8.75 lbs/ton, respectively.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Rentech Nitrogen Pasadena, LLC, Docket No. 2013-1836-AIR-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature

affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Pam Navin  
For the Executive Director

6/20/14  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

[Signature]  
Signature

3-27-14  
Date

Andrew W. Vela  
Name (Printed or typed)  
Authorized Representative of  
Rentech Nitrogen Pasadena, LLC

General Site Manager  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.